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5 IN THE UNITED STATES DISTRICT COURT  
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7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
8

9 CAROLINE LEE,

No. C 09-03106 CW

10 Plaintiff,

ORDER DISMISSING  
CASE FOR FAILURE TO  
PROSECUTE

11 v.

12 IHOP ENTERPRISES, INC., et al.,

13 Defendants.

14 \_\_\_\_\_/

15 Plaintiff Caroline Lee's opposition to Defendants' motion to  
16 dismiss was due October 15. She was twice warned that failure to  
17 file her opposition by this date would result in dismissal of her  
18 case for failure to prosecute. To date, she has not filed her  
19 opposition. Accordingly, the Court dismisses Plaintiff's case for  
20 failure to prosecute and denies Defendants' motion to dismiss as  
21 moot.

22 IT IS SO ORDERED.

23  
24 Dated: 10/16/09

*Claudia Wilken*

25 \_\_\_\_\_  
26 CLAUDIA WILKEN  
27 United States District Judge  
28

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

LEE et al,

Plaintiff,

Case Number: CV09-03106 CW

V.

IHOP ENTERPRISES, INC. et al,

Defendant.

## **CERTIFICATE OF SERVICE**

## IHOP ENTERPRISES, INC. et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on October 16, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
in the Clerk's office.

15 Caroline Lee  
880 Meridian Bay Lane #322  
16 Foster City, CA 94404

17 | Dated: October 16, 2009

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk